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CPME0140766

Patent Office of the People's Republic of China

Address : Receiving Section of the Chinese Patent Office, No. 6 Tucheng Road West, Haidian District, Beijing.Postal code: 100088

Applicant	MITSUBISHI DENKI KABUSHIKI KAISHA			**Seal of Examiner**	**Date of Issue**
Agent	China Patent Agent (H.K.) Ltd.				March 14, 2003
Patent Application No.	01122052.X	**Application Date**	April 27, 2001	**Exam Dept.**	
Title of Invention	HOLDER AND PORTABLE TELEPHONE WITH THE HOLDER				

First Office Action

1.☑ Pursuant to the provision of Article 35 (1) of the Chinese Patent Law, the examiner made an examination as to substance of the captioned patent application for invention upon the request for substantive examination filed by the applicant.

☐ Pursuant to the provision of Article 35 (2) of the Chinese Patent Law, the Chinese Patent Office has decided to conduct on its own initiative an examination as to substance of the captioned patent application for invention.

2.☑ The applicant requests taking
the filing date, April 27, 2000, at the JP Patent Office,
the filing date, _____, at the _____ Patent Office,
the filing date, _____, at the _____ Patent Office
as the priority date of the present application.

☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has been submitted by the applicant.

☐ A copy of the first filed patent application certified by the receiving organ of the initial country of filing has not been submitted by the applicant. Pursuant to the provision of Article 30 of the Chinese Patent Law, no priority right shall be deemed to have been claimed.

3.☐ The applicant filed amended application document(s) on _____ _____and _____.

☐ Examination has confirmed that _____ filed on _____ cannot be accepted, _____ filed on _____ cannot be accepted,
as the above amendment(s) ☐ is/are not in conformity with the provision of Article 33 of the Chinese Patent Law.

☐ is/are not in conformity with the provision of Rule 51 of the Implementing Regulations of the Chinese Patent Law.

☐ For the specific reason that the amendment(s) cannot be accepted, see the text of

the Office Action.

4.☑ The examination is conducted in the light of the original application document(s)

☐ The examination is conducted in the light of the following application document(s): in the original application documents submitted on the filing date: Claim(s) _____, page(s)_____ of the description, Figure(s) of the drawing(s); Claim(s) _____ , page(s) _____of the description, Figure(s) _____ submitted on _____; Claim(s) _____, page (s) of the description, Figure(s) _____ submitted on _____

☐ Abstract of the description submitted on _____.

5. ☐ The present Office Action has been prepared without a search having been conducted.

☑ The present Office Action has been prepared with a search having been conducted.

☑ The following reference document(s) is/are cited in this Office Action (its/their serial number(s) will, continue to be used throughout the examination procedure):

No.	Number or Title of Document	Date of Publication (or filing date of interfering application)
1	CN1,226,353A	(Date) August 18, 1999
2		(Date)
3		(Date)
4		
5		
6		

6. The concluding comments of the examiner are:

☐ On the description:

☐ The content of the application comes within the scope where no patent right is granted as provided in Article 5 of the Patent Law.

☐ The description is not in conformity with the provision of Article 26(3) of the Patent Law.

☐ The drafting of the description is not in conformity with the provision of Rule 18 of the Implementing Regulations.

☑ On the claims:

☐ Claim comes within the scope where no patent right is granted as provided in Article 25 of the Patent Law.

☐ Claim is not in conformity with the definition of invention in Rule 2(1) of the Implementing Regulations.

☐ Claim _____ does not possess novelty as provided in Article 22(2) of the Patent Law.

☑ Claim 1-8 does not possess inventiveness as provided in Article 22(3) of the Patent Law.

☐ Claim _____ does not possess practical applicability as provided in Article 22(4) of the Patent Law.

☐ Claim _____ is not in conformity with the provision of Article 26(4) of the Patent Law.
☐ Claim _____ is not in conformity with the provision of Article 31(1) of the Patent Law.
☐ Claim _____ is not in conformity with the provisions of Rules 20-23 of the Implementing Regulations.
☐ Claim _____ is not in conformity with the provision of Article 9 of the Patent Law.
☐ Claim _____ is not in conformity of the provision of Rule 12(1) of the Implementing Regulations.

For specific analyses of the above concluding comments, see the text of this Office Action.

7. In view of the above concluding comments, the examiner holds that:

☐ The applicant should amend the application document in accordance with the requirements raised in the text of this Office Action. The amended document(s) should be submitted in duplicate and should conform to the provisions of Article 33 of the Patent Law and Rule 51 of the Implementing Regulations of the Chinese Patent Law.
☐ The applicant should expound in his Observations the reasons why the captioned patent application is patentable and amend the places not conforming to regulations as pointed out in the text of the Office Action, otherwise it would be impossible for the patent right to be granted.
☑ The captioned patent application contains no substantive content for which the patent right may be granted, thus if the applicant has not advanced his reasons or has not done so adequately, the application will be rejected.

8. The applicant should pay attention to the following matters:
   (1) In accordance with the provision of Article 37 of the Patent Law, the applicant should submit his/its Observations within **four** months from the date of receipt of this Office Action; if, without any justified reason, the time limit for making response is not met, the application will be deemed to have been withdrawn.
   (2) The amendments made by the applicant to his application should conform to the provision of Article 33 of the Patent Law, the amended text should be in duplicate and the format should conform to the relevant provisions of the Guidelines for Examination.
   (3) The applicant's Observations or amended text should be mailed or presented to the Receiving Section of the Chinese Patent Office. Document no mailed or presented to the Acceptance Section have no legal force.
   (4) Without making an appointment, the applicant and/or agent may not come to the Chinese Patent Office to hold an interview with the examiner.

9. This Office Action consists of the text portion totalling 2 page(s) and of the following annex(es):
☑ 1 duplicate copies of the reference document(s) cited totalling 1 page(s).
☐
☐

中华人民共和国国家知识产权局

邮政编码： 香港湾仔港湾道23号鹰君中心22字楼 中国专利代理(香港)有限公司 林长安	印何 5735 审查员	(无审查业务专用章 不具备法律效力)

申 请 号：01122052.X	部门及通知书类型：5--C	发文日期： 专利局 03.3.14 发文
申 请 人：	三菱电机株式会社	
发明名称：	卡座和配置了该卡座的便携式电话	

第一次审查意见通知书

1. ☒ 申请人提出了实审请求，根据专利法第35条第1款的规定，审查员对上述发明专利申　　请进行实质审查。
   ☐ 根据专利法第35条第2款的规定，国家知识产权局决定自行对上述发明专利申请进行审查。
2. ☒ 申请人要求以其在：

0140766

JP　专利局的申请日 2000年4月27日 为优先权日，
＿＿＿＿　专利局的申请日 ＿＿＿＿ 为优先权日，
＿＿＿＿　专利局的申请日 ＿＿＿＿ 为优先权日，
＿＿＿＿　专利局的申请日 ＿＿＿＿ 为优先权日，
＿＿＿＿　专利局的申请日 ＿＿＿＿ 为优先权日，

☐ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本，根据专利法第30条的规定视为未提出优先权要求。

3. ☐ 申请人于＿＿年＿月＿日和＿＿年＿月＿日提交了修改文件。
   经审查，其中：＿＿年＿月＿日提交的＿＿＿不能被接受；＿＿年＿月＿日提交的＿＿＿不能被接受；
   因为上述修改 ☐ 不符合专利法第33条的规定。 ☐ 不符合实施细则第51条的规定。
   修改不能被接受的具体理由见通知书正文部分。
4. ☒ 审查是针对原始申请文件进行的。
   ☐ 审查是针对下述申请文件进行的：
   说明书　申请日提交的原始申请文件的第＿＿＿页；
   ＿＿年＿月＿日提交的第＿＿＿页；＿＿年＿月＿日提交的第＿＿＿页；
   ＿＿年＿月＿日提交的第＿＿＿页；＿＿年＿月＿日提交的第＿＿＿页；
   权利要求　申请日提交的原始申请文件的第＿＿＿页；
   ＿＿年＿月＿日提交的第＿＿＿页；＿＿年＿月＿日提交的第＿＿＿页；
   ＿＿年＿月＿日提交的第＿＿＿页；＿＿年＿月＿日提交的第＿＿＿页；
   附图　申请日提交的原始申请文件的第＿＿＿页；
   ＿＿年＿月＿日提交的第＿＿＿页；＿＿年＿月＿日提交的第＿＿＿页；
   ＿＿年＿月＿日提交的第＿＿＿页；＿＿年＿月＿日提交的第＿＿＿页；
   说明书摘要　☐申请日提交的；　☐＿＿年＿月＿日提交的；
   摘要附图　☐申请日提交的；　☐＿＿年＿月＿日提交的。

29 JUL 2003

回函请寄：100088北京市海淀区蓟门桥西土城路6号　国家知识产权局专利局受理处收
（注：凡寄给审查员个人的信函不具有法律效力）

5. ☐ 本通知书是在未进行检索的情况下作出的。

☒ 本通知书是在进行了检索的情况下作出的。

☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用)：

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	CN1226353A	1999 年 8 月 18 日
2		年 月 日
3		年 月 日
4		年 月 日

6. 审查的结论性意见：

☐ 关于说明书：

☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。

☐ 说明书不符合专利法第 26 条第 3 款的规定。

☐ 说明书的撰写不符合实施细则第 18 条的规定。

☒ 关于权利要求书：

☐ 权利要求_____不具备专利法第 22 条第 2 款规定的新颖性。

☒ 权利要求 1—8 不具备专利法第 22 条第 3 款规定的创造性。

☐ 权利要求_____不具备专利法第 22 条第 4 款规定的实用性。

☐ 权利要求_____属于专利法第 25 条规定的不授予专利权的范围。

☐ 权利要求_____不符合专利法第 26 条第 4 款的规定。

☐ 权利要求_____不符合专利法第 31 条第 1 款的规定。

☐ 权利要求_____不符合实施细则第 2 条第 1 款关于发明的定义。

☐ 权利要求_____不符合实施细则第 13 条第 1 款的规定。

☐ 权利要求_____不符合实施细则第 20 条至第 23 条的规定。

☐

上述结论性意见的具体分析见本通知书的正文部分。

7. 基于上述结论性意见，审查员认为：

☐ 申请人应按照通知书正文部分提出的要求，对申请文件进行修改。

☐ 申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由，并对通知书正文部分中指出的不符合规定之处进行修改，否则将不能授予专利权。

☒ 专利申请中没有可以被授予专利权的实质性内容，如果申请人没有陈述理由或者陈述理由不充分，其申请将被驳回。

☐

8. 申请人应注意下述事项：

(1) 根据专利法第 37 条的规定，申请人应在收到本通知书之日起的__肆__个月内陈述意见，如果申请人无正当理由逾期不答复，其申请将被视为撤回。

(2) 申请人对其申请的修改应符合专利法第 33 条的规定，修改文本应一式两份，其格式应符合审查指南的有关规定。

(3) 申请人的意见陈述书和/或修改文本应邮寄或递交给国家知识产权局专利局受理处，凡未邮寄或递交给受理处的文件不具备法律效力。

(4) 未经预约，申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

9. 本通知书正文部分共有 2 页，并附有下述附件：

☒ 引用的对比文件的复印件共 1 份 1 页。

☐

第一次审查意见通知书正文

本申请涉及一种把各种装置保持在基板上的卡座，经审查，意见如下：

权利要求 1 请求保护一卡座，对比文件 1 公开了一种图象读写头及使用读写头用的集成电路，其中（见对比文件 1 摘要及摘要附图）披露了以下技术特征：一种图象读写头，具备通过光学透镜接收图象的集成电路，在外壳中配设在与上述图象读取面的不同面上的发热元件和写入用的集成电路的图象读写头（相当于权利要求 1 中的一种卡座，设置有用来把摄像装置保持在基板的主表面上的第一另件保持装置和用来把其他另件保持在不同于所述第一另件保持装置的部位的第二另件保持装置；所述第一另件保持装置和所述第二另件保持装置做成为一体）；权利要求 1 与对比文件 1 相比，其区别仅在于：权利要求 1 中是用卡座保持摄像装置和其它元件，对比文件 1 中是用外壳固定图象读写头，但二者都属于图象输入装置，这种区别对于本领域技术人员来说是一种公知常识，在对比文件 1 的基础上结合公知常识得到权利要求 1 请求保护的技术方案对于本领域普通技术人员来说是显而易见的，因此权利要求 1 相对于对比文件 1 及公知常识不具备突出的实质性特点和显著的进步，该权利要求所要求保护的技术方案不具备专利法第 22 条第 3 款有关创造性的规定。

从属权利要求 2 对权利要求 1 作了进一步限定，但其附加技术特征属于本领域的公知常识，为了减小体积，使另件与安装表面接触是本领域普通技术人员很容易想到的技术方案，因此当其引用的权利要求 1 不具备创造性时，权利要求 2 相对于对比文件 1 及公知常识不具备专利法第 22 条第 3 款有关创造性的规定。

从属权利要求 3 对权利要求 2 作了进一步限定，但其附加技术特征属于本领域的公知常识，如 1997 年 10 月生产的 NOKIA5110 型手机，其另件保持装置使用了这种框架，与其附加技术特征在本发明中所起的作用相同，因此当其引用的权利要求 2 不具备创造性时，权利要求 3 相对于对比文件 1 及公知常识不具备专利法第 22 条第 3 款有关创造性的规定。

从属权利要求 4 对权利要求 3 作了进一步限定，但其附加技术特征是本领域的公知常识，本领域普通技术人员将卡座设计为上面和底面开口的形状以节约空间是很容易想到的技术方案，因此当其引用的权利要求 3 不具备创造性时，权利要求 4 相对于对比文件 1 及公知常识不具备专利法第 22 条第 3 款有关创造

性的规定。

从属权利要求 5、6 对权利要求 1 作了进一步限定，如 1997 年 10 月生产的 NOKIA5110 型手机，其接收机和显示装置使用了这种框架作为保持装置，因此当其引用的权利要求 1 不具备创造性时，权利要求 5、6 相对于对比文件 1 及公知常识不具备专利法第 22 条第 3 款有关创造性的规定。

从属权利要求 7 对权利要求 1 作了进一步限定，其附加技术特征是本领域技术中的公知常识，使用树脂或工程塑料等生产框架，是本领域普通技术人员很容易想到的技术方案，因此当其引用的权利要求 1 不具备创造性时，权利要求 7 相对于对比文件 1 及公知常识不具备专利法第 22 条第 3 款有关创造性的规定。

权利要求 8 请求保护一种便携式电话，本领域普通技术人员根据 NOKIA5110 型手机中使用的另件保持装置，结合对比文件 1 及公知常识，得到权利要求 8 请求保护的技术方案是很容易想到的，因此权利要求 8 相对于对比文件 1 及公知常识不具备专利法第 22 条第 3 款有关创造性的规定。

因此，本申请的独立权利要求及从属权利要求都不具备创造性，同时说明书中也没有记载其他任何可以授予专利权的实质性内容，因而即使申请人对权利要求进行重新组合和/或根据说明书记载的内容作进一步的限定，本申请也不具备被授予专利权的前景，如果申请人不能在本通知书规定的答复期限内提出表明本申请具有创造性的充分理由，本申请将被驳回。

01122052.X

Examiner's Statement on First Examination

The subject application relates to a holder for holding various devices. The following is the Examiner's statement on the examination.

Claim 1 claims a holder. Reference 1 discloses an image read/write head and an integrated circuit for using the image read/write head. Reference 1 further discloses technical features that "the image read/write head includes an integrated circuit reading an image via an optical lens, a heating element arranged in a casing at a surface different from an image reading surface, and an integrated circuit for writing (corresponding to the 'holder comprising a first component holding unit for holding an image pickup device on a main surface of a board, and a second component holding unit for holding another component... at a location different from a location of said first component holding unit, said first and second component holding units being formed as a single piece')". The difference between claim 1 and Reference 1 is that in claim 1 the holder is used to hold the image pickup device and another component, while in Reference 1 the casing is used to secure the image read/write head. The both, however, belong to the image input device, and such a difference is common knowledge to a person skilled in the art. It would have been obvious for a person skilled in the art to combine the common knowledge based on Reference 1 to reach the technical ideal claimed in claim 1. As such, claim 1 does not have any prominent substantive features or notable progress with respect to Reference 1 or common knowledge, and therefore, it is inadmissible that the technical idea claimed in the relevant claim has inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3.

Dependent claim 2 provides a further limitation to claim 1. The additional technical feature recited therein is common knowledge in the relevant technical field. Making a component brought into contact with a mounting surface for reducing the volume is a technical idea which would have been readily conceivable for a person skilled in the art. Accordingly,

in the case where claim 1 from which claim 2 is dependent does not have inventiveness, it is inadmissible that claim 2 has inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3, with respect to Reference 1 and the common knowledge.

Dependent claim 3 provides a further limitation to claim 2. The additional technical feature recited therein is again common knowledge in the relevant technical field. For example, in the NOKIA 5110 type portable telephone manufactured in October, 1997, the component holding means uses the similar frame having the same function as the additional technical feature recited in dependent claim 3. As such, in the case where claim 2 from which claim 3 is dependent does not have inventiveness, it is inadmissible that claim 3 has inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3, with respect to Reference 1 and the common knowledge.

Dependent claim 4 provides a further limitation to claim 3. The additional technical feature recited therein is again common knowledge in the relevant technical field. Designing the holder in a frame shape having its upper and bottom surfaces left open to save the space is a technical idea which would have been readily conceivable for a person skilled in the art. Accordingly, in the case where claim 3 from which claim 4 is dependent does not have inventiveness, it is inadmissible that claim 4 has inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3, with respect to Reference 1 and the common knowledge.

Dependent claims 5 and 6 provide further limitations to claim 1. For example, in the NOKIA 5110 type portable telephone manufactured in October, 1997, the receiver and the display device use the similar frame as the holding means. Accordingly, in the case where claim 1 from which claims 5 and 6 are dependent does not have inventiveness, it is inadmissible that claims 5 and 6 have inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3, with respect to Reference 1 and the common knowledge.

Dependent claim 7 provides a further limitation to claim 1. The additional technical feature recited therein is again common knowledge in

the relevant technical field. Using resin, process plastic or the like to manufacture a frame is a technical idea which would have been readily conceivable for a person skilled in the art. Accordingly, in the case where claim 1 from which claim 7 is dependent does not have inventiveness, it is inadmissible that claim 7 has inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3, with respect to Reference 1 and the common knowledge.

Claim 8 claims a portable telephone. The technical idea recited in claim 8 would have been readily conceivable for a person skilled in the art by combining the component holding means used in the NOKIA 5110 type portable telephone and common knowledge. Thus, it is inadmissible that claim 8 has inventiveness as prescribed in the Chinese Patent Law, Article 22, Paragraph 3, with respect to Reference 1 and the common knowledge.

Based on the foregoing, all the independent and dependent claims of the subject application do not have inventiveness, and the specification does not describe any other substantial content to which a patent can be granted. There is essentially no probability that the subject application is granted a patent even if Applicant newly combines claims and/or provides a further limitation based on the content of the specification. The Applicant should submit a sufficient reason why the subject application can be said to have inventiveness within a time period defined in the present Office Action. Otherwise, the subject application would be rejected.

第一回審査意見通知書

本願は各種装置を保持するためのホルダに関する。審査を経て、以下の審査意見を提出する。

請求項1はホルダを保護請求している。引例1は画像読書ヘッド及び画像読書ヘッドを用いるための集積回路を開示し、しかも、“画像読み書きヘッドは、光学レンズを介して画像を読み取る集積回路と、ケーシングにおける画像読み取り面と異なる面に配置された発熱素子と、書き込み用集積回路とを備える（請求項1に記載の“基板の主表面において撮像装置を保持するための第1の部品保持手段と、前記第1の部品保持手段とは別の場所で他の部品を保持するための第2の部品保持手段とを備え、前記第1の部品保持手段と前記第2の部品保持手段とは一体化されているホルダ”に相当する）”という技術的特徴を開示した。請求項1と引例1との区別は、請求項1がホルダを用いて撮像装置及び他の部品を保持し、引例1がケーシングを用いて画像読み書きヘッドを固定することである。しかし、両者は共に画像入力装置に属し、このような区別はこの分野に属する技術者にとって公知常識である。引例1に基づいて公知常識と結合させることにより請求項1が保護請求している技術案を得るのはこの分野に属する技術者にとって自明なこおｔである。従って、請求項1は引例1及び公知常識に対して突出した実質的な特徴と顕著な進歩を有しなく、該請求項が保護請求している技術案は特許法第２２条第３項に規定する創造性を備えていない。

従属請求項2は請求項1を更に限定し、その付加的な技術的特徴は所属技術分野の公知常識である。体積を減少するために、部品を取付表面に当接させるのはこの分野に属する技術者にとって容易に想到できる技術案である。従って、引用された請求項1が創造性を備えない場合に、請求項2は引例1及び公知常識に対して特許法第２２条第３項に規定する創造性を備えていない。

従属請求項3は請求項2を更に限定し、その付加的な技術的特徴は所属技術分野の公知常識である。例えば、1997年10月に製造されたNOKIA5110型携帯電話において、部品保持手段はこのような枠を使用し、従属請求項3の付加的な技術的特徴と同一の役割を果している。従って、引用された請求項2が創造性を備えない場合に、請求項3は引例1及び公知常識に対して特許

法第２２条第３項に規定する創造性を備えていない。

従属請求項４は請求項３を更に限定し、その付加的な技術的特徴は所属技術分野の公知常識である。ホルダを上面及び底面が開放された枠形状に設計し、空間を節約するのはこの分野に属する技術者にとって容易に想到できる技術案である。従って、引用された請求項３が創造性を備えない場合に、請求項４は引例１及び公知常識に対して特許法第２２条第３項に規定する創造性を備えていない。

従属請求項5、6は請求項１を更に限定した。例えば、1997年10月に製造されたNOKIA5110型携帯電話において、レシーバと表示装置はこのような枠を保持手段として用いている。従って、引用された請求項１が創造性を備えない場合に、請求項5、6は引例１及び公知常識に対して特許法第２２条第３項に規定する創造性を備えていない。

従属請求項７は請求項１を更に限定し、その付加的な技術的特徴は所属技術分野の公知常識である。樹脂又は工程プラスチック等を用いて枠を製造するのはこの分野に属する技術者にとって容易に想到できる技術案である。従って、引用された請求項１が創造性を備えない場合に、請求項７は引例１及び公知常識に対して特許法第２２条第３項に規定する創造性を備えていない。

請求項８は携帯電話を保護請求している。NOKIA5110型携帯電話に用いられた部品保持手段と引例１及び公知常識とを結合することにより、請求項８が保護請求している技術案を得るのはこの分野に属する技術者にとって容易に想到できる技術案である。従って、請求項８は引例１及び公知常識に対して特許法第２２条第３項に規定する創造性を備えていない。

以上の理由で、本願の独立請求項及びその従属請求項は全て創造性を備えていなく、また、特許権を付与できるその他の実質的な内容が明細書の中に記載されていない。出願人が請求項を新に組み合わせ、及び/又は、明細書の内容により更に限定しても、本願に特許権を付与する見込みはない。もし、出願人が本通知書に規定された回答期限以内に本願が創造性を備える十分な理由を提供することができないなら、本願を拒絶する。